



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT
**NOTICE OF APPLICATION FOR
DEVELOPMENT VARIANCE PERMIT**
ELECTORAL AREA 'E' – BEAVER CREEK

DVE21004 – LINDSAY & WAYNE MALLON, PROPERTY OWNERS

On November 24th, 2021, the Regional District of Alberni-Clayoquot (ACRD) will consider issuing the following development variance permit to vary the provisions of the ACRD Zoning Bylaw No. 15, pursuant to Section 498 of the *Local Government Act*:

Vary Section 6.5 Accessory Buildings and Uses by reducing the required front yard setback from 7.62 m (25 ft) to 3.3 m (10.83 ft) and the required side yard setback from 4.572 m (15 ft) to 2 m (6.56 ft), in the Small Holdings (A1) District, to facilitate siting and construction of a detached accessory building.

Subject Property: 5637 Tomswood Rd, Port Alberni

Legal Description: THAT PART OF BLOCK 3 DISTRICT LOT 100 ALBERNI DISTRICT PLAN 1008 SHOWN COLOURED RED ON PLAN DEPOSITED UNDER DD 26959I **PID:** 008-129-452

A copy of the permit and supporting documents are available for public review on our website at <https://www.acrd.bc.ca/events/24-11-2021/>.

The Regional Board made a preliminary review of this proposal on October 27, 2021 and resolved to consider it further. It is anticipated that the Regional Board will make a final decision on the permit at the Board Meeting on November 24, 2021 beginning at 1:30 pm.

Prior to issuing such a permit, the Board is required to notify owners and occupants of properties within 100 metres of the subject property. **Please accept this correspondence as fulfilling this obligation.**

Providing an opportunity for public input is a top priority for the ACRD. Consider written submissions as an effective means to do so.

Correspondence must be received by the ACRD by **10:00 am on Wednesday, November 24, 2021** and can be submitted by one of the following methods:

- Hard copy delivered to the ACRD office in person, in the drop slot or by mail to the Planning Department at the address below.
- Email sent to planning@acrd.bc.ca. Email correspondence will only be considered received if receipt confirmation is provided by ACRD staff.
- Fax sent to 250-723-1327. Fax correspondence will only be considered received if receipt confirmation is provided by ACRD staff.

Alternatively, if you wish to present your views to the Board in person, please contact Wendy Thomson, General Manager of Administrative Services, before 4:30 pm on November 17, 2021 at wthomson@acrd.bc.ca or phone 250-720-2700.

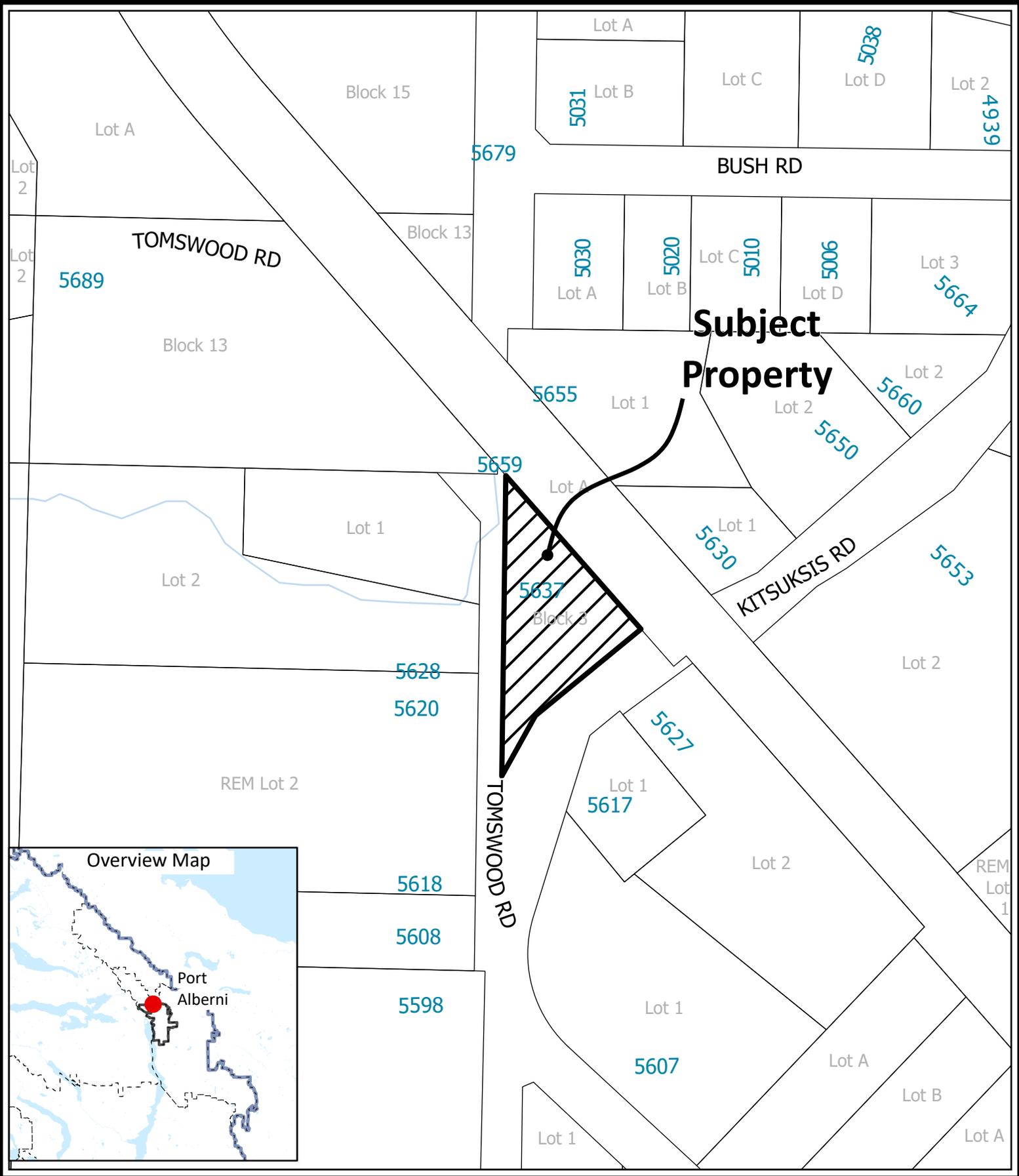
Questions? Please contact the Planning Department during regular office hours: Monday to Friday, excluding statutory holidays, from 8:00 am until 4:30 pm.

PLANNING DEPARTMENT

Regional District of Alberni-Clayoquot, 3008 Fifth Ave, Port Alberni, BC V9Y 2E3

Email: planning@acrd.bc.ca Telephone: 250-720-2700 Fax: 250-723-1327

Date of Notice: November 5, 2021



**Subject
Property**

Legal Description: THAT PART OF BLOCK 3 DISTRICT LOT 100
ALBERNI DISTRICT PLAN 1008 SHOWN COLOURED RED ON PLAN
DEPOSITED UNDER DD 26959I



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

Development Variance Application

MEETING DATE: October 27, 2021

ACRD FILE NO.: DVE21004

APPLICANTS: Lindsay and Wayne Mallon

LEGAL

DESCRIPTION: THAT PART OF BLOCK 3 DISTRICT LOT 100 ALBERNI DISTRICT PLAN 1008 SHOWN COLOURED RED ON PLAN DEPOSITED UNDER DD 26959I

LOCATION: 5637 Tomswood Road, Port Alberni

ELECTORAL AREA: "E" Beaver Creek

APPLICANT'S INTENTION: The applicants have applied for a development variance permit to reduce the required front and side yard setbacks to facilitate the siting and construction of a 30 ft by 40 ft detached accessory building.

Recommendation: THAT the Board of Directors consider issuing development variance permit DVE21004, subject to:

- i. The issuance of a Ministry of Transportation and Infrastructure variance to the minimum 4.5 m building setback from a public road right-of-way.
- ii. Neighbouring properties being notified as per Local Government Act s.499.

Development Variance DVE21004:

- i. Development variance of the ACRD Zoning Bylaw, Section 6.5 Accessory Buildings and Uses, to reduce the required front yard setback from 7.62 m (25 ft) to 3.3 m (10.83 ft) and the required side yard setback from 4.572 m (15 ft) to 2 m (6.56 ft), in the Small Holdings (A1) District, to facilitate siting and construction of a detached accessory building.

Procedure: Prior to the issuance of a development variance permit, the Board must first pass a resolution to consider issuing the permit. Staff then notify neighbouring property owners and tenants to afford them the opportunity to make written or verbal submissions to the Board. At a subsequent meeting, the Board issues or denies the development variance permit.

Beaver Creek Advisory Planning Commission (APC) Recommendation: At the Beaver Creek APC meeting held October 18th, 2021, the one APC member present made the motion to support the

DVE21004

application and staff recommendations. This motion was also supported by the Alternate Director.

Observations:

i. Status of Property:

The subject property is 0.32 ha (0.8 ac) and is accessed from Tomswood Road. The property is mostly landscaped with a single family dwelling.

ii. Services:

a. Sewage Disposal: Onsite sewage disposal.

b. Water Supply: Beaver Creek Water System.

c. Fire Protection: Beaver Creek Volunteer Fire Department.

d. Access: The property is accessed from Tomswood Road and is bordered on the east side by Kitsuksis Road. There is currently no direct access from the property to Kitsuksis Road and it is unlikely that any access will be developed due to topography challenges. The Ministry of Transportation and Infrastructure (MOTI) requires that all structures must be sited at least 4.5 m from a road right-of-way. As the proposed building is to be located 3.3 m from Tomswood Road and 2 m from Kitsuksis Road, staff recommend that a reduction to MOTI 4.5 m building setback be included as a condition of final approval of the development variance.

iii. Existing Planning Policies Affecting the Site:

a. Agricultural Land Reserve: Not within the Agricultural Land Reserve.

b. Official Community Plan: The Beaver Creek Official Community Plan (OCP) designates the property as "Residential Use".

The property is impacted by Development Permit Area I – Riparian Areas Protection (DPA I). DPA I is used to ensure that the ecological values of riparian and wetland habitats have been considered prior to development and that measures will be taken to limit or avoid damage to these ecosystems. DPA I applies to all lands within 15 m (49.21 ft) of minor streams. It appears that the proposed construction is outside of the 15 m DPA I area, and a development permit is not required.

The proposal complies with the Beaver Creek Official Community Plan.

c. Zoning: The property is zoned Small Holdings (A1) District.

Building Setbacks		
A1 - Accessory Buildings	Required	Proposed
Front lot line setback:	7.62 m (25 ft)	3.3 m (10.83 ft)
Rear yard setback:	4.57 m (15 ft)	-
Side yard setback:	4.57 m (15 ft)	2 m (6.56 ft)

The applicant is applying for a Development Variance Permit in order to reduce the

DVE21004

required front yard setback from 7.62 m (25 ft) to 3.3 m (10.83 ft) and the required side yard setback from 4.572 m (15 ft) to 2 m (6.56 ft), in the Small Holdings (A1) District, to facilitate the siting and construction of a 30 ft by 40 ft detached accessory building.

Comments:

With consideration to the unusual shape of the subject property and the location of the existing sewage disposal system, waterlines and gas lines, Planning staff are supportive of the variance request and recommend that the Board of Directors consider the application and proceed with neighbour notification.

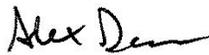
The proposed siting of the accessory building would not comply with the MOTI 4.5 m building setback from a public road right-of-way. Anyone intending to obtain relief from the MOTI setback regulations must apply for a permit under the *Transportation Act*. Staff recommend that the issuance of a reduction to the MOTI setback be included as a condition of final approval of the development variance.

Submitted by:



Charity Hallberg Dodds, Planning Technician

Reviewed by:



Alex Dyer, MCIP, RPP, Planning Manager

Reviewed by:



Teri Fong, CPA, CGA, Acting Chief Administrative Officer

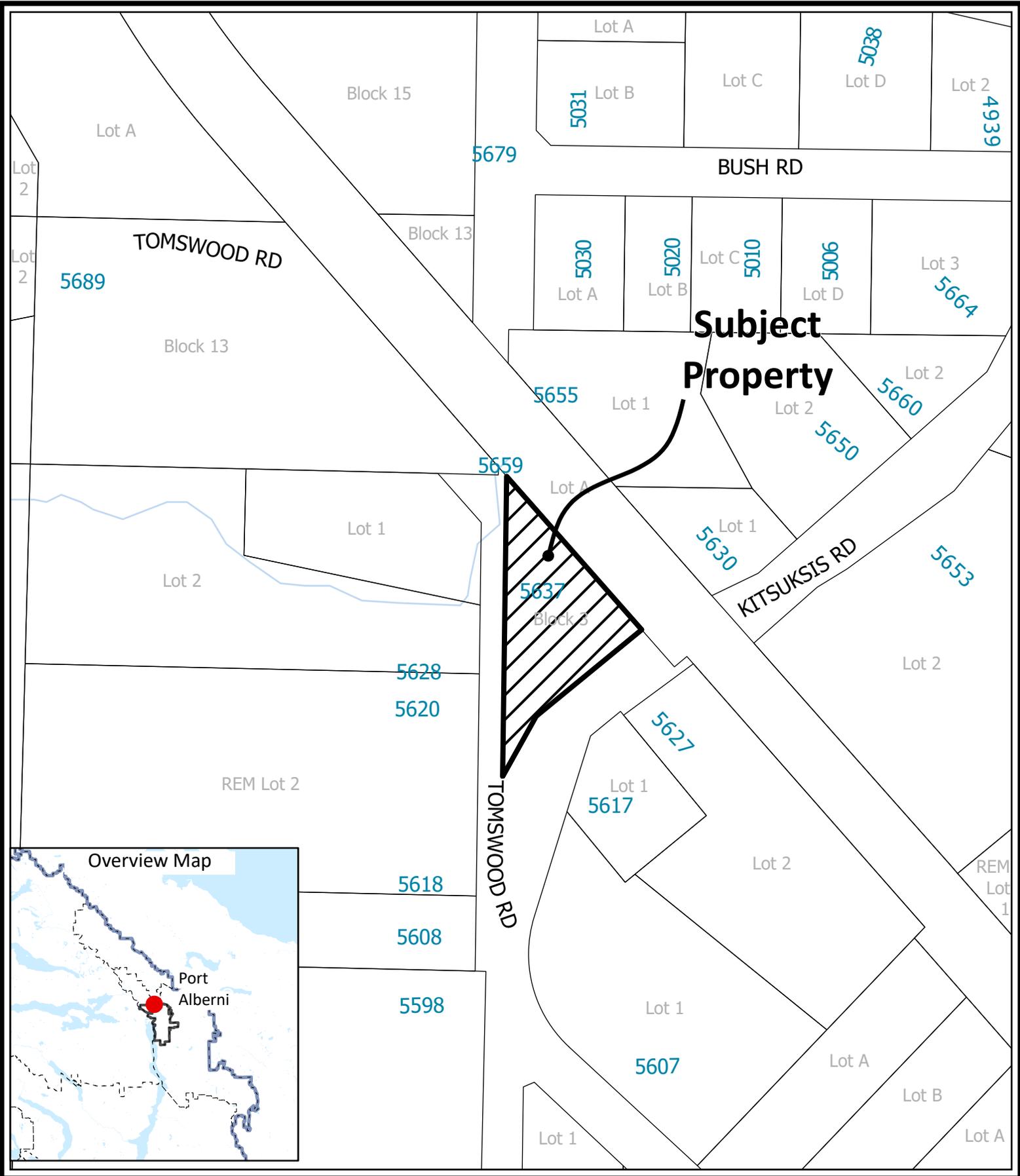
DVE21004



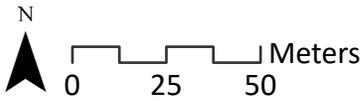
Looking east at the single family dwelling, from Tomswood Road. Lawn area is where the waterlines, gas lines and septic field are located.



Looking south at proposed accessory building area (where boat is located). Tomswood Road is showing on the right.

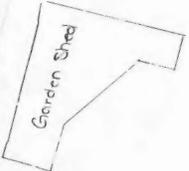


**Subject
Property**



Legal Description: THAT PART OF BLOCK 3 DISTRICT LOT 100
ALBERNI DISTRICT PLAN 1008 SHOWN COLOURED RED ON PLAN
DEPOSITED UNDER DD 26959I

E 3 N R4 Right of way
272'



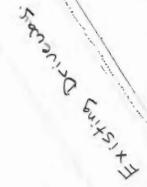
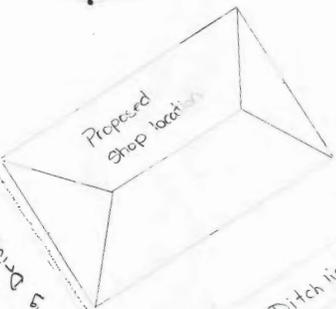
Bank
170'



Kitsucksis Rd



Bank
135'

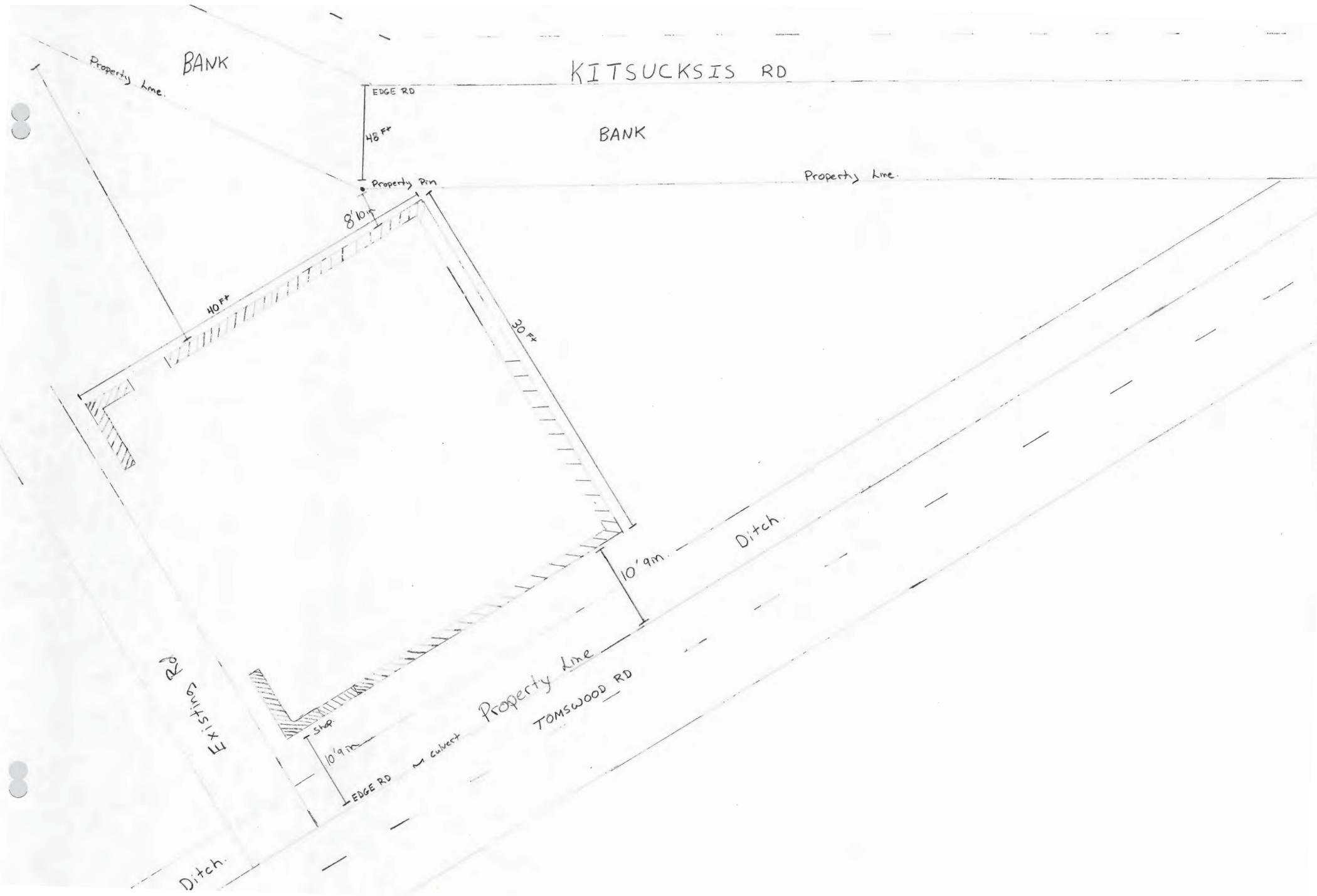


Ditch line

Tomswood Rd
436'

Ditch line

5637 Tomswood Rd



Property Line

BANK

KIT SUCKSIS RD

EDGE RD

48 FT

BANK

Property Line

Property Pin

8'0"

10'0"

30 FT

EXISTING RD

Ditch

10'9"

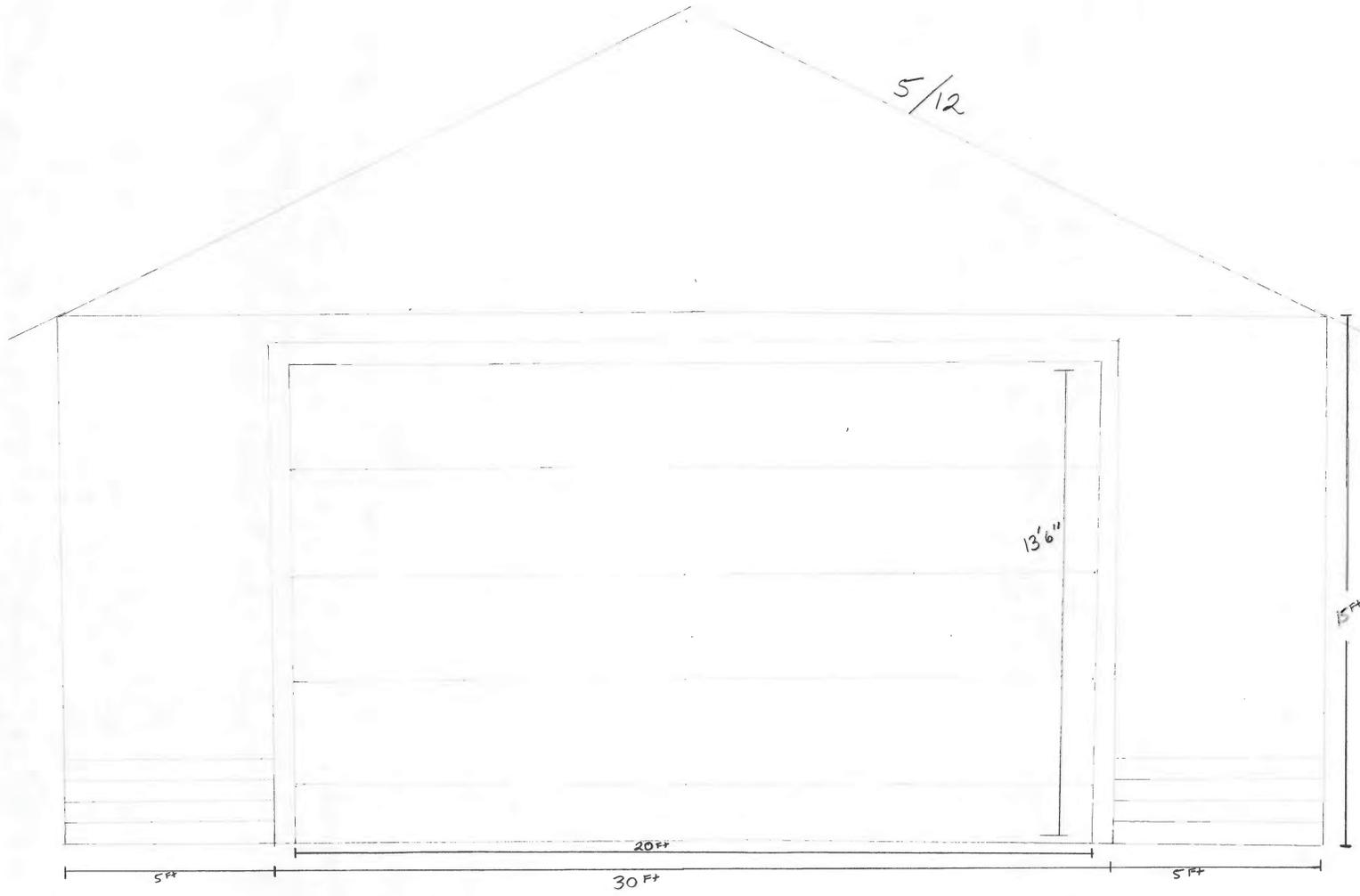
Property Line

TOMSWOOD RD

EDGE RD

Culvert

Ditch

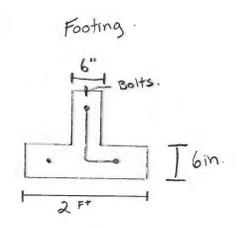


5/12

- Footings & Foundation
- 2 Ft x 6 in thick.
 - 6 in thick walls.
 - Rebar in All

- Framing
- 2 x 6 x 14 Walls.
 - 16-18 in Header Lvl

- Truss
- Truss Package Hi Tec Industries.



5 Ft

30 Ft

5 Ft

15 Ft

13' 6"

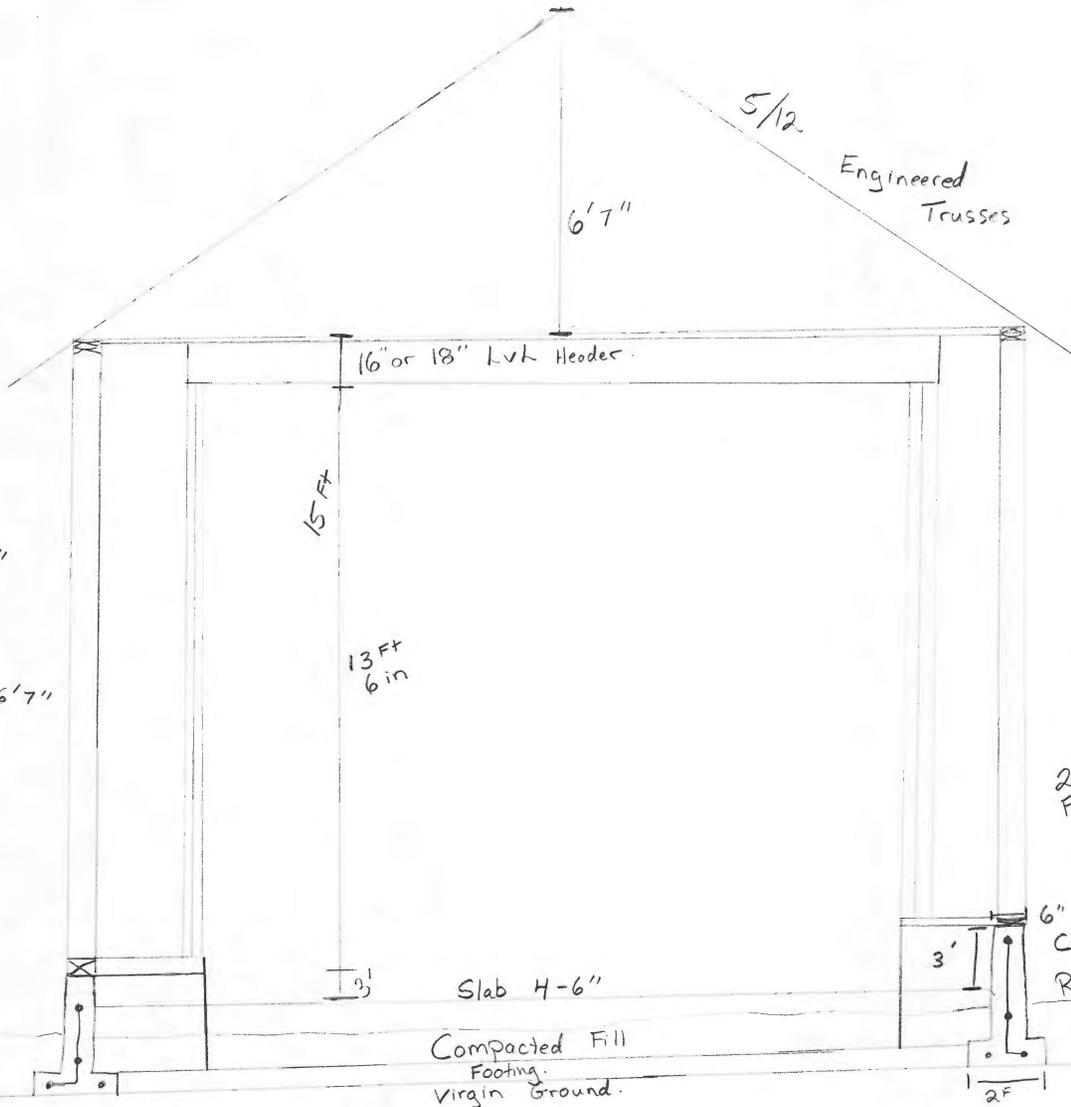
20 Ft

6"

Bolts.

6 in.

2 Ft



- Slab to Top Plate 15'
- Slab to bottom header 13' 6"
- Slab to top of concrete wall 3'
- Wood Framing 12'
- 5/12 Engineered Truss overall height 6'7"
- midspan of Truss, 3' 3 1/2"
- Slab to Truss peak 21' 7"
- (overall height)

PLAN OF THAT PART OF BLOCK 3, DISTRICT LOT 100, ALBERNI DISTRICT,
PLAN 1008, SHOWN COLOURED RED ON PLAN DEPOSITED UNDER DD 26959I,
SHOWING PROPOSED BUILDING THEREON (FOR VARIANCE APPLICATION).

SCALE 1:400

ALL DISTANCES ARE IN METRES,
FOR BUILDING INSPECTION ONLY,
AS PER BUILDING PLANS RECEIVED.

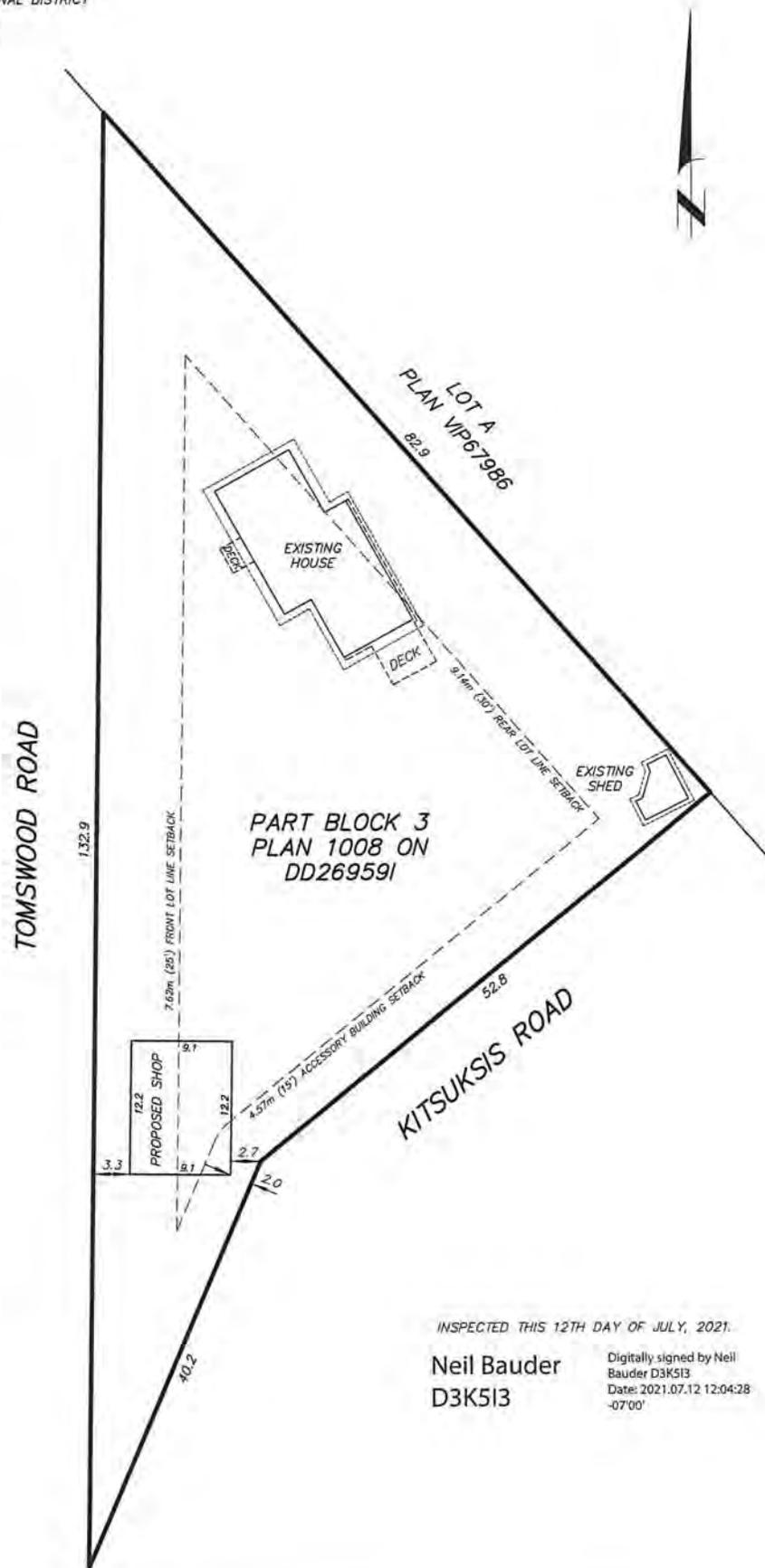
JURISDICTION: ALBERNI-CLAYOQUOT REGIONAL DISTRICT

PID NO: 008-129-452

CIVIC ADDRESS: 5637 TOMSWOOD ROAD,
PORT ALBERNI, BC

LEGEND

----- DENOTES ROOF OVERHANG



INSPECTED THIS 12TH DAY OF JULY, 2021.

Neil Bauder
D3K5I3

Digitally signed by Neil
Bauder D3K5I3
Date: 2021.07.12 12:04:28
-07'00'



223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 21-171-BL
DRAWING FILE: 21-171 BL1.dwg
DATE: 2021-07-12